



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,348	04/15/2004	Ramin Abhari	2003B043D	8647

23455 7590 01/12/2007  
EXXONMOBIL CHEMICAL COMPANY  
5200 BAYWAY DRIVE  
P.O. BOX 2149  
BAYTOWN, TX 77522-2149

EXAMINER
----------

CAIN, EDWARD J

ART UNIT	PAPER NUMBER
----------	--------------

1714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/12/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/825,348

Applicant(s)

ABHARI ET AL.

Examiner

Edward J. Cain

Art Unit

1714

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-73 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23, 25-41, 44-49, 52 and 58-73 is/are rejected.
- 7) ☒ Claim(s) 24, 42, 43, 50, 51 and 53-57 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_.

Art Unit: 1714

1. Claim 58 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from a multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits.

The information disclosure statements filed

1) 8/10/04;

2) 5/16/05;

3) 10/3/05;

4) 1/26/06;

taken cumulatively, fail to comply with the provisions of 37 CFR 1.97 and MPEP 609 because it is deemed implausible that given the nature of the claimed subject matter that the lengthy IDS does not involve cumulative references. The cumulative IDS comprises 325 US patent documents, 32 US patent applications, 278 foreign patent documents and 63 non-patent literature documents. While the USPTO has relieved Applicants of the responsibility of submitting copies of many types of references, including US patent documents and applications, this is not seen as relieving Applicants of compliance with 37 CFR 1.98(c), which has the effect of removing cumulative information from consideration and from publication on the face of any issuing US patent (see also MPEP 609.4(a)(ii)(fifth paragraph, beginning "Second") and MPEP 2004(13)). The submissions have been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-

Art Unit: 1714

submission of any item of information contained in this cumulative information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP 609.05(a).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-23, 25-41, 44-49, 52 ad 58-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Markel et al in view of Velasquez Urey and Ogawa et al.

Markel et al disclose propylene based polymer compositions suitable for hot melt adhesive applications. These compositions are taught as having branching indices and Mw's such as claimed instantly. While many of the physicochemical properties instantly claimed may not be explicitly addressed, values such as claimed instantly are seen as inherent to the compositions of the reference since other properties such as g', MW and propylene/alpha olefin content are met.

This reference fails to explicitly disclose functionalized additives, tackifiers, wax and plasticizers. The reference further fails to disclose specific articles of manufacture incorporating the adhesives.

Art Unit: 1714

The reference to Velasquez Urey discloses polyolefin based hot melt adhesive compositions. These compositions are taught as comprising nucleating agents, plasticizers, wax and tackifiers. Suitable species of each of these components include those meeting the limitations of the rejected claims. The adhesives are taught as suitably used in applications such as disposable diapers wherein woven or non-woven materials are adhered to polymeric films. This application is seen as meeting the limitation of a tie layer.

The reference to Ogawa et al is cited as demonstrating the art known use of polypropylene based hot melt adhesives in tape and packaging.

It would have been obvious to one of ordinary skill in the art to combine art known adhesive additives for their art known function/benefit as taught by the Velasquez Urey reference with the polymers of the primary reference when adhesives were desired.

Claims 24, 42, 43, 50, 51 and 54-57 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward J. Cain whose telephone number is (571) 272-1118. The examiner can normally be reached on M-F from 10:00 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan, can be reached on 571 272-1119.

Art Unit: 1714

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Edward J. Cain", is positioned above the printed name.

Edward J. Cain  
Primary Examiner  
Art Unit 1714